



County of Los Angeles CHIEF EXECUTIVE OFFICE

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August 28, 2009

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From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

This memorandum contains an update on the Assembly's Correction Reform measure which is scheduled for hearing on August 31, 2009, and the status of two County-advocacy bills.

Corrections Reform Update

On August 26, 2009, the Assembly released its own version of the Corrections Reform measure, SBX3 18 (Ducheny), to replace ABX3 14 (Arambula) which passed the Senate by a majority vote of 21 to 10, but stalled in the Assembly. Of interest to the County, SBX3 18: 1) eliminates the creation of an alternative custody option which would have allowed for the early release of elderly and medically infirm inmates; 2) eliminates changing some "wobbler," crimes that can currently be considered either felonies or misdemeanors; and 3) removes the sentencing commission proposal, which would have delegated the authority to amend criminal sentences to an unelected body.

The elimination of these provisions addresses some of the County's concerns included in the original Corrections Reform bill, approved by the Senate on August 20, 2009, which would have imposed significant and unmanageable costs on the County's health, human services and public safety programs. This office is reviewing SBX3 18 and working with Health, Mental Health, Public Health and other affected departments to determine potential fiscal and programmatic impacts on the County. Key provisions of SBX3 18 include:

- **Property Crime Thresholds.** Amends property crime thresholds to reflect the Consumer Price Index. The threshold for grand theft was lowered from \$2,500 to \$950 to address concerns from law enforcement.

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- **Inmate Credit Changes.** Creates an incentive for inmates to participate in programs while in prison or jail to reduce recidivism. Specifically, this legislation would: 1) provide offenders with day-for-day credit in both jail and prison; 2) authorize awarding enhanced credits of up to 6 weeks per year upon completion of rehabilitation, education, and/or vocational programs while in prison; 3) authorize extending existing enhanced credits of two days for one day for inmates waiting to be transferred to a fire camp; and 4) provide for day-for-day credits for inmates serving jail terms.
- **Parole Policy.** Requires the California Department of Corrections and Rehabilitation (CDCR) to assess the risk of parolees to the community prior to release. CDCR would increase supervision levels for the most serious and violent offenders.
- **Parole Revocation.** Reduces the level of parole supervision for low and moderate offenders convicted of non-serious, non-violent and non-sex crimes, and are not subject to parole revocation. Offenders can have their parole reduced if they successfully complete a drug treatment program.
- **Parole Reentry Accountability Program.** Allows certain parole violators to participate in a Parole Reentry court program. For example, parole violators with a history of substance abuse or mental illness may be referred to a re-entry court. The court will work with the assistance of parole agents to determine the appropriate conditions of parole.
- **Community Corrections.** Allows county probation departments to receive fiscal incentives if probationers, who would otherwise be sent to prison, remain under the jurisdiction of the county. The FY 2009-10 State Budget provides \$45 million in Federal funds to probation departments for additional officers and for evidence-based programs.

At this time it is unclear if the proposed language will be sufficient to remove the opposition of the criminal justice community, and according to the Sacramento advocates, it is very likely that SBX3 18 will be further amended before it is taken up in the Assembly Floor on Monday, August 31, 2009.

Status of County-Advocacy Legislation

County-opposed unless amended SB 696 (Wright) was amended in Committee on August 26, 2009, and passed on a vote of 7 to 0. The Senate Committee on Environmental Quality took lengthy testimony on this measure from the author and

witnesses in support and in opposition. Chairman Joe Simitian (D., Santa Clara) and several members of the Committee, including Senator Alan Lowenthal, expressed a number of concerns with the bill that were consistent with the County's position. Significantly, Senator Lowenthal had his own bill on this issue, SB 579, set for hearing at the same time as Senator Wright's SB 696, and his measure helped catalyze efforts to modify SB 696.

The amendments to SB 696 remove the provisions related to power plants and California Environmental Quality Act exemptions and incorporate the provisions of County-supported SB 579 (Lowenthal) which provides for the permitting and operation of small businesses and essential public services.

County-supported SB 579 (Lowenthal), as amended August 24, 2009 and further amended by the Committee, also passed the Senate Committee on Environmental Quality August 26, 2009 by a vote of 7 to 0. Now, both SB 696 and SB 579 would require the South Coast Air Quality Management District (SCAQMD) to allow small businesses and essential public services that were permitted to operate prior to the SCAQMD rule changes that were invalidated by the court in *NRDC v. SCAQMD* to continue to operate. It also allows the over 1,300 small businesses and essential public services permit applications pending at SCAQMD to receive permits and commence operations notwithstanding the permitting freeze imposed by the court in *NRDC v. SCAQMD*. The provisions of SB 579 sunset on May 1, 2012, whenever a final decision, including all appeals, is reached in *NRDC v. SCAQMD*, or when SCAQMD completes all environmental reviews required by the *NRDC* case.

Committee Chair Simitian acknowledged the unusual nature of allowing two similar bills out of the Committee at the same time, but stated that doing so would appropriately recognize Senator Wright's significant efforts in this policy area, and ensure that the Committee's intent as reflected in SB 579 would remain intact in the event SB 696 were subsequently amended.

We will continue to keep you advised.

WTF:RA
MR:MS:EW:er

c: All Department Heads
Legislative Strategist